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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,948	04/04/2002	Hideo Matsuoka	1098-02	8953

35811 7590 04/28/2004

IP DEPARTMENT OF PIPER RUDNICK LLP  
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EXAMINER

PENG, KUO LIANG

ART UNIT PAPER NUMBER

1712

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/089,948	<b>Applicant(s)</b> MATSUOKA ET AL.	
	<b>Examiner</b> Kuo-Liang Peng	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8/11/03 IDS.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/4/02, 8/11/03</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> .           |

## DETAILED ACTION

### *Claim Objection*

1. Claims 7-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 7-16 not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwadata (US 5 436 300).

Kashiwadata discloses a thermoplastic resin structure formed of a resin composition comprising a polyamide as a dispersed phase and a polyarylene sulfide as a continuous phase or a polyamide as a continuous phase and a polyarylene sulfide as a dispersed phase. (col. 1, line 59 to col. 2, lines 46 and col. 6, line 37 to col. 9, line 6). Up to 60% wt of inorganic filler can be added (col. 2, lines 36-46).

4. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tateyama (JP 10-138372).

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The following column numbers and line numbers are based on its English equivalent, US 6 485 806.

Tateyama discloses a multilayered molding comprising a laminate structure of (A) a layer of a polyphenylene sulfide resin (hereinafter referred to as PPS resin) composition and (B) a layer of a thermoplastic resin except PPS resins, in which the PPS resin composition constituting the layer (A) comprises (A1) 100 parts by weight of a PPS resin, (A2) from 1 to 80 parts by weight of a thermoplastic resin having at least one functional group selected from epoxy groups, acid anhydride groups, carboxyl group and its salts, and carboxylate groups, and (A3) from 5 to 80 parts by weight of a thermoplastic resin which is similar in kind to the thermoplastic resin constituting the layer (B). (col. 2, lines 15-26). Notes that the relative amounts of the polyphenylene sulfide and the polyamide falls within the ranges of the instant claims. Therefore, Examiner has a reasonable basis to believe that Tateyama's component (A) can possess the same morphologies as those of Applicants. An inorganic filler can be added (col. 8, line 62 to col. 9, line 8).

5. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (JP 05-124090).

Kobayashi discloses a thermoplastic resin structure formed of a resin composition comprising 100 parts by weight of polyphenylene sulfide (PPS) and 5 to 80 parts by weight of polyamide. ([0010]). Notes that the relative amounts of the polyphenylene sulfide and the polyamide falls within the ranges of the instant claims. Therefore, Examiner has a reasonable

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basis to believe that Kobayashi's component (A) can possess the same morphologies as those of Applicants. An inorganic filler can be used ([0046]-[0047]).

6. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (JP 05-185425).

Takagi discloses a thermoplastic resin structure formed of a resin composition comprising polyphenylene sulfide (PPS) and polyamide with various relative amounts of the two components. Different morphologies can be obtained by blending the two components in the atmosphere or under reduced pressure. (col. 2, lines 3-22, col. 4, lines 11-13 and Examples). Inorganic filler can be added (col. 2, lines 3-22).

7. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono (JP 02-222452).

Ono discloses a thermoplastic resin structure formed of a resin composition comprising a polyphenylene sulfide (PPS) and a thermoplastic resin such as polyamide with various relative amounts of the two components. (page 3, lower left column to page 3, lower right column, page 4, upper two columns and Examples). Notes that the relative amounts of the polyphenylene sulfide and the polyamide falls within the ranges of the instant claims. Therefore, Examiner has a reasonable basis to believe that Ono's component (A) can possess the same morphologies as those of Applicants. Inorganic fillers can be added (page 4, upper right column). Examiner has requested the English translation of the instant reference. It will be available to Applicants later upon request.

8. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Deguchi (JP 03-215556).

Deguchi discloses a thermoplastic resin structure formed of a resin composition comprising a polyamide, a polyarylene sulfide and a layered silicate with various relative amounts of the two components. There is phase separation between the polyamide and the polyarylene sulfide. (page 3, upper left column and lower right column, page 5, upper left column and Examples).

9. The reference, Akhtar et al., cited in the IDS filed on August 11, 2003 has been lined through because Applicants do not supply a copy of the instant reference.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

klp  
April 23, 2004

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A handwritten signature in black ink, appearing to read 'Kuo-Liang Peng', written in a cursive style.

Kuo-Liang Peng  
Primary Examiner  
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